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Attorneys for Defendant
NORMAN WIELSCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEAN O'TOOLE, KELLEY O'TOOLE,
STEVEN DANIEL LEE, JENNIFER LYNN
CURTIS, and JACK FOSTER,

Plaintiffs,

v.

CITY OF ANTIOCH, ANTIOCH POLICE
DEPARTMENT, JAMES HYDE CHIEF OF
ANTIOCH POLICE DEPARTMENT,
NORMAN WIELSCH, MICHAEL McGARY,
LOUIS LOMBARDI, JOSHUA VINCELET,
JAMES WISECARVER JR., STEVEN
AIELLO, STEVEN BERGERHOUSE,
CHRISTOPHER BUTLER, RONALD KRENZ,
DANIELLE JOANNIDES, STEPHANIE A.
CHALK, CAPTAIN LEONARD ORMAN,
AND DOES 1 – 20, inclusive,

Defendants.

CASE NO.: CV 11 1502 PJH

**NOTICE OF TENDER OF SETTLEMENT
PAYMENT AND REQUEST TO REMOVE
OSC HEARING FROM CALENDAR;
[Proposed] ORDER VACATING HEARING
DATE AND DISMISSING CASE WITH
PREJUDICE**

Pursuant to this Court's December 17, 2015 Order, the parties hereby notify the Court that defendant Norman Wielsch has tendered payment to plaintiffs in the form of a check for \$15,000.00, issued pursuant to the parties' Settlement Agreement. The parties therefore respectfully request that the Court take the OSC Hearing, scheduled for January 20, 2016 at 9:00 am, off calendar.

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LAW OFFICES OF
GEARY,
SHEA,
O'DONNELL,
GRATTAN &
MITCHELL
P.C.

1 RESPECTFULLY SUBMITTED.

2 DATE: January 19, 2016

LAW OFFICES OF TIM A. PORI

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4 By /s/ Tim A. Pori
TIM A. PORI
Attorney for Plaintiffs SEAN O'TOOLE,
5 KELLEY O'TOOLE, STEVEN DANIEL
6 LEE, JENNIFER LYNN CURTIS, and JACK
7 FOSTER

8 DATE: January 19, 2016

GEARY, SHEA, O'DONNELL, GRATTAN &
MITCHELL, P.C.

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10 By /s/ Robert W. Henkels
11 ROBERT W. HENKELS
12 Attorneys for Defendant
NORMAN WIELSCH

13 **ORDER OF THE UNITED STATES DISTRICT COURT**

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15 Upon receipt the parties' notice that the settlement funds have been tendered on behalf of
16 defendant Norman Wielsch, and in accordance with its December 17, 2015 Order, the Court hereby
17 VACATES the OSC Hearing currently scheduled for January 20, 2016 at 9:00 am. This case is
18 therefore hereby DISMISSED in its entirety with prejudice pursuant to the parties' settlement and
19 this Court's Order of Dismissal, ECF No. 229.

20 **IT IS SO ORDERED.**

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22 DATED: 1/20/16

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UNITED STATES DISTRICT COURT
IT IS SO ORDERED
Judge Phyllis J. Hamilton
DISTRICT JUDGE

LAW OFFICES OF
GEARY,
SHEA,
O'DONNELL,
GRATTAN &
MITCHELL
P.C.